

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

To:

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Date of mailing

(day/month/year)

21.01.2005

Applicant's or agent's file reference

IMPORTANT NOTIFICATION

International application No.

PCT/GR 03/00044

International filing date (day/month/year)

09.10.2003

Priority date (day/month/year)

09.10.2002

Applicant

LEONTARIDIS, Athanasios

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

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preliminary examining authority:



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PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference ...	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/GR 03/00044	International filing date (day/month/year) 09.10.2003	Priority date (day/month/year) 09.10.2002
International Patent Classification (IPC) or both national classification and IPC E06B3/98		
Applicant LEONTARIDIS, Athanasios		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 7 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 9 sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>		
Date of submission of the demand 08.05.2004	Date of completion of this report 21.01.2005	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Merz, W Telephone No. +49 89 2399-7359 	

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

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I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1, 3-12 as originally filed
2, 2a received on 07.12.2004 with letter of 06.12.2004

Claims, Numbers

1-9 received on 07.12.2004 with letter of 06.12.2004

Drawings, Sheets

1/8-8/8 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☒ the entire international application,

☐ claims Nos.

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 1-9 are so unclear that no meaningful opinion could be formed (*specify*):

see separate sheet

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the Standard.

☐ the computer readable form has not been furnished or does not comply with the Standard.

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

Clarity

3.1 The application does not meet the requirements of Article 6 PCT, because the set of claims is not clear.

3.1.1 As explained below, some of the features in the apparatus claim 1 relate to a method of using the apparatus rather than clearly defining the apparatus in terms of its technical features. The intended limitations are therefore not clear from this claim, contrary to the requirements of Article 6 PCT.

- a) cf. claim 1: page 14 line 17 - page 15, line 2
- b) cf. claim 3: page 15, lines 21-22
- c) cf. claim 6: page 16, line 28 - page 17, line 2
- d) cf. claim 7: page 17, line 13
- e) cf. claim 8: page 17, line 25

3.1.2 The extent of the protection conferred by claim 1 does **not include** the cited "profile members" or "door/window profile frames", i.e. the claimed "joint" does not comprise any "profile members" or "frames" or "chambers (13a, 13b)" or "holes (11a, 11b)".

- a) As a consequence thereof, the **"joint"** of claim 1 is a device which only comprises three sub-units, namely:
 - the **side base portion (1)**,
 - the **sheet metal mobile portion (2)**,
 - the **bolt (3)**.
- b) technical features of the claimed "joint" can only be described by features of the device itself and not by any relation to not included parts.
- c) The subject matter of claim 2 only relates to the hollow profile.
- d) Claim 3, line 16-17 seeks to define material properties of the joint in relation to the hollow profile.

3.1.3 Current claim 1 mentions the feature (contained in originally filed claim 6) of "upwardly bent legs (1e)" of the slide base portion (1).

With this feature placed in independent claim 1 only the embodiment as shown in FIG.4c lies within the scope of the claim. Thereby a contradiction arises with all other embodiments, not having a slide base portion with upwardly bent legs.

3.1.4 The embodiments according to FIG.5 do not fall under the scope of claim 1 since the mobile

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portion is no made of sheet metal.

- 3.2 Method claim 9: It is not clear, if the device of claims 1-8 is used in the method of claim 9, thereby an objection concerning lack of unity may arise.

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- 5.1 The following documents are cited in the search report:

D1: GB-A-2 072 296 (ANGLIAN WINDOWS LTD) 30 September 1981

D2: US-A-5 109 645 (BUCCI CARLO G) 5 May 1992

- 5.2 For the above mentioned reasons a meaningful statement concerning novelty and inventive step cannot be given for current claims 1-9

Remarks:

6. A revised set of claims containing a new claim 1 as set out below may meet the criteria of novelty and inventive step.
Additional embodiments of the joint should be part of dependent claims.
An independent method claim is proposed to explicitly use a joint as claimed in the aforementioned device claims.

- 6.1 Proposal of a revised claim 1:

Joint

- . for the angular connection of hollow profile members intended to form door/window profile frames and the like,
- . wherein the edges of the hollow profile members have been previously cut at an angle such as to obtain a matching contact following the assembly thereof

the joint comprising

- . a slide base portion (1)
 - . with an upper first flat basement (1a)
 - . with a centrally located first cavity (1b) and
 - . with sides [first side parts] symmetrically extending on either side of said first flat basement (1a)

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- each one of said ~~sides of said slide base portion (1)~~ [first side parts] having
 - outer planar surfaces (1e)
 - [able to come into] in sliding contact with a wall of each one of a pair of chambers (13a, 13b) of the hollow profile members being brought together for connection,
- a **sheet metal mobile portion (2)**
 - with an upper second flat basement (2a)
 - with a centrally located second cavity (2b) and
 - with ~~sides~~ [second side parts] symmetrically extending on either side of said second flat basement (2a),
- said [first and second] side [parts] ~~surfaces of the base portion (1) and side surfaces of the sheet metal mobile portion (2)~~ being symmetrically arranged on either side of a plane of symmetry (x-x') passing through the plane of matching contact of the previously cut edges of said hollow profile members,
- said sheet metal mobile portion (2) comprising upwardly extending sides (2e) on either side thereof terminating at sharp edges (2g),
 - said sharp edges (2g) being adapted to produce an indentation effect into the walls of chambers (13a, 13b) and
- a **bolt (3)** being employed in a tightening process of the joint,
 - said upwardly extending sides (2e) of said sheet metal mobile portion (2) being oriented in a direction substantially parallel to the plane of symmetry (x-x'),
 - said bolt (3) [is able to] passing through a hole (11a,b) [of the hollow profile members] lying at said plane of symmetry (x-x') and [the bolt is able to be] being screwed to exert an upwardly pushing force onto said ~~sheet metal~~ mobile portion (2) until said sharp edges (2g) thereof indent the ~~relatively softer~~ walls of the profile members being connected,

characterized by [in that]:

- each one of said ~~sides of said slide base portion (1)~~ [first side parts] comprising
 - a first section (1c) extending into a second convergent surface (1d);
- said ~~sheet metal~~ mobile portion (2) having
 - a configuration similar to the configuration of said slide base portion (1)

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- each one of said ~~sides of said sheet metal mobile portion (2)~~ [second side parts] comprising
 - planar side surfaces (2c) and (2d),
 - each with a length generally equivalent to the length of underlying corresponding said first section (1c) and said second convergent surface (1d) of said slide base portion (1),
- said ~~sheet metal~~ mobile portion (2) being
 - superimposed onto said slide base portion (1) so that said second flat basement (2a) is oriented parallel above said underlying first flat basement (1a) in a direction perpendicular to said plane of symmetry (x-x');